IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Bail Appl..No. 2928 of 2007()

CRMP.1573/2003 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
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: PETITIONER.

B.W.JYOTHIKUMAR, S/O.LATE WILSON,
AGED 32, PONNAKALA KUZHIVILA VEEDU,
KANJIRAKULAM POST, TRIVANDRUM DISTRICT.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:

DY.S.P. (B1/STF/NEW DELHI) CAMP AT
KOCHI, REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY CENTRAL GOVT. STANDING COUNSEL SRI.
P.PARAMESWARAN NAIR,

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON 8-6-2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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B.A. No. 2928 of 2007

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Dated, this the 8th day of June 2007

ORDER

Petitioner who is the accused in Crime No. 34 of 2004 of Kanjiramkulam Police Station and subsequently taken over by the C.B.I, and registered as Crime No. RC DST/2005/S/2006 for an offence punishable under Sec. 302 read with Sec. 34 I.P.C. seeks his enlargement on bail. Petitioner was arrested on 11-4-2007.

2. The learned Public Prosecutor opposed the application. I perused the case diary files.

3. Wilson Chellathambi, the father of the petitioner was seen in a pool of blood outside the compound of one Wilfred, a retired Sub Jail Superintendent, in the early hours of 16-2-2004. He was picked up and rushed to the Medical College Hospital, Thiruvananthapuram in a car by his son the petitioner and few others. Wilson had three stab injuries on his stomach and a cut injury on his throat. While undergoing treatment in the Critical Care Unit of the Medical College Hospital, he succumbed to the injuries in the early morning of 25-2-2004. Originally, on the complaint of his wife Sujatha @ Baby the Kanjiramkulam Police

had registered a case as Crime No. 34 of 2004 for an offence punishable under Section 307 read with Sec. 34 I.P.C. against Wilfred and his son Rolland Winford who were arrested on 22-2-2004 and 24-2-2004 respectively. Consequent on the death of Wilson, the section of offence was altered to Sec. 302 I.P.C. During the course of investigation, the petitioner was seen over-enthusiastic in marshaling the incriminating evidence against the said Wilfred and his son. While the investigation drifted aimlessly, Sujatha @ Baby and her son the petitioner filed W.P.C. 20019/ 2005 before this Court for entrusting the investigation of the case to the C.B.I. The said Writ Petition was allowed. Pursuant to the orders of this Court, the C.B.I. took over the investigation of the case. During the investigation by the C.B.I., it has now been revealed that the petitioner was trying to throw the local police off the scent by falsely implicating Wilfred and his son against whom he was nurturing extreme ill-will. As the C.B.I. strongly suspected the involvement of the petitioner behind the death of his father, they arrested him. His prevaricating statements confirmed their suspicion. The blood stained shirt which the petitioner had produced earlier before the local police as the shirt worn by his father at the time of occurrence turned

out to be false and it was revealed that Wilson was wearing some other shirt. The petitioner was evidently trying to mislead the investigating officers. Similarly, the statement of the petitioner to the local police that on his way to the hospital, his father told him that the fatal injury were inflicted on him by Wilfred and his son also turned out to be false as it was revealed by the medical evidence that the fatal injuries on the throat of deceased Wilson was of such a magnitude that it was not possible for the deceased to make a statement on his way to the hospital. Likewise, the statement of the petitioner that Wilfred owed his father Rs. 1,00,000/- was also proved to be incorrect. The petitioner was later subjected to Polygraph test at Bangalore and he exhibited deception during the said test. He was thereafter subjected to Brain Mapping test which also pointed towards his complicity behind the assassination of his father. The petitioner was later subjected to Narco Analysis Test at Bangalore. During the said test he confessed that he had stabbed his father on the stomach and neck with a kitchen knife during the early hours of 16-2-2004 and thereafter he dragged his wounded father and transported him in a car and dumped his moribund body in the compound of Wilfred with a view to falsely implicate Wilfred and

his family members as he disliked his father's friendship with Wilfred.

2. The investigation of the case is still in the preliminary state. If at this stage of investigation, the petitioner is released on bail, he will definitely hamper the smooth investigation of the case by influencing or intimidating the prosecution witnesses and tampering with the evidence for the prosecution. He is also likely to abscond and thereby flee from justice. I am not inclined to grant bail to the petitioner at this stage of investigation.

This petition is accordingly dismissed.

Sd/- V. RAMKUMAR,
(JUDGE)

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